HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.13146 of 2007

Date: 06-08-2007.

Between :

S. Navroji Rao & another.

.....Petitioners

And

State of Andhra Pradesh, rep. by Secretary,
Department of Stamps and Registration & others.

.....Respondents.

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.13146 of 2007

ORDER :

Petitioners purchased an extent of three acres of land in Survey Nos.180/1B and 180/2A of Kothavalasa village of Parvathipuram Mandal through a registered sale deed bearing document No.976/2007, dated 28.02.2007 on the file of Sub-Registrar, Parvathipuram, the 2nd respondent herein, from Sri Korada Gowrishankar and another. Thereafter, the petitioners are said to have got the land divided into plots and have sold several plots to intended purchasers. Their grievance is that the 2nd respondent is refusing to release some of the documents presented by them for sale of some of the plots and they seek appropriate direction in this regard.

Learned counsel for petitioners submit that valid title had accrued to the petitioners through the sale deed dated 28.02.2007 and there is absolutely no justification for the 2nd respondent for refusing to entertain and release the documents. Learned Government Pleader for

Revenue submits that the pattedar passbooks that were issued to the petitioners have since been cancelled and in this view of the matter, there is a cloud on the title of the petitioners. Sri A.V.Sesha Sai, learned counsel for 4th respondent submits that the sale in favour of the petitioners is contrary to the provisions of the A.P. (Andhra Area) Tenancy Act, so much so the title deeds and pattedar passbooks granted to the petitioners were cancelled.

The role assigned to a registering authority in the context of verification of the title of the transferor under a deed, is very limited. He cannot undertake even a semblance of adjudication as to the existence of title or lack of it on the part of the transferor. The circumstance under which he can refuse registration of a document was specified in the newly added Section 22-A of the Registration Act. Except where the document attracts the provisions of Section 22-A of the Registration Act, the registering authority cannot refuse registration. Further, whenever he decides to refuse registration, he is under obligation to specify the reasons. Under no circumstances, the document can be kept pending indefinitely.

In the instant case, the petitioners have acquired title through a document dated 28.02.2007. Even assuming that there is cloud upon the title of the petitioners, the

aggrieved parties have to approach the competent authority vested with the power to adjudicate disputes. If the 2nd respondent is of the opinion that the documents presented by the petitioners attract the clauses contained in Section 22-A of the Registration Act added through Act No.19 of 2007, he has to indicate the same in writing.

For the foregoing reasons, the writ petition is disposed of, directing the 2nd respondent to issue and process the documents presented by the petitioners in accordance with law and finalise the same within a period of 15 days from the date of receipt of a copy of this order. In case he is of the view that the documents cannot be registered in accordance with the provisions of Section 22-A of the Registration Act, he shall communicate the same to the petitioners within that time.

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L. NARASIMHA REDDY, J

6th August, 2007

ajr